

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**PATRICK REYNOLDS, DANIEL LEWIS,
LUCIA MARANO, KRISTEN FRANCE,
ABBEY ABRECHT and JAHIDAH DIAAB,**
individually and on behalf of all others similarly
situated,

v.
Plaintiffs,

MARYMOUNT MANHATTAN COLLEGE,

Defendant.

Case No. 1:22-cv-06846

JUDGE LORNA G. SCHOFIELD

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Plaintiffs Patrick Reynolds, Daniel Lewis, Lucia Marano, Kristen France, Abby Abrecht, and Jahidah Diaab individually and on behalf of others similarly situated (“Plaintiffs”), hereby moves this Court to:

1. Preliminarily approve the settlement described in the “Settlement Agreement” between Plaintiff and Defendant, Marymount Manhattan College (“Defendant”), and the attachments thereto, including the Claim Form, Short Form Notice, Long Form Notice, the Proposed Preliminary Approval Order, and the Proposed Final Approval Order, attached to the Declaration of Gary Klinger, filed herewith in support of this motion;
2. Conditionally certify the Settlement Class;
3. Appoint Plaintiffs Patrick Reynolds, Daniel Lewis, Lucia Marano, Kristen France, Abby Abrecht, and Jahidah Diaab as Class Representatives;

4. Appoint Victoria Jennings Maniatis, Gary M. Klinger and David K. Lietz of Milberg Coleman Bryson Phillips Grossman, PLLC; (2) Jonathan M. Sedgh, John A. Yanchunis and Ryan D. Maxey of Morgan & Morgan, P.A.; (3) Samuel J. Strauss and Raina C. Borelli of Turke & Strauss LLP; and (4) Terence R. Coates and Justin C. Walker of Markovits, Stock & DeMarco, LLC. as Class Counsel;

5. Approve a customary short form notice to be mailed to Settlement Class Members (the “Short Notice”) in a form substantially similar to that attached as Exhibit 3 to the Settlement Agreement;

6. Approve a customary long form notice (“Long Notice”) to be posted on the settlement website in a form substantially similar to the one attached as Exhibit 2 to the Settlement Agreement;

7. Direct notice to be sent to the Settlement Class in the form and manner proposed as set forth in the Settlement Agreement;

8. Appoint Kroll Settlement Administration, LLC as Notice Specialist and Claims Administrator;

9. Approve the use of a claim form (“Claim Form”) substantially similar to that attached as Exhibit 3 to the Settlement Agreement; and

10. Set a hearing date and schedule for final approval of the Settlement and consideration of Settlement Class Counsel’s motion for award of fees, costs, expenses, and service awards.

This Motion is based upon: (1) this Motion; (2) the Memorandum of Points and Authorities in Support of this Motion, filed herewith; (3) the Declaration of Gary Klinger, filed herewith; (4) the Declaration of Scott M. Fenwick, filed herewith; (5) the Settlement Agreement; (6) the Notices

of Class Action Settlement (including the Short Form Notices and Long Form Notice); (7) the Claim Form; (8) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement; (9) the [Proposed] Final Approval Order; (10) the records, pleadings, and papers filed in this action; and (11) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: March 10, 2023

Respectfully submitted,

/s/ Gary M. Klinger

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on March 10, 2023, caused a true and correct copy of the foregoing document to be filed electronically with the Clerk of the Court using this Court's CM/ECF system, which will automatically send notice of such filing to all counsel of record.

/s/ Gary M. Klinger
Gary M. Klinger